

105 CMR 165.000: HALFWAY HOUSES FOR ALCOHOLICS

Section

- 165.001: Purpose
- 165.002: Authority
- 165.003: Citation
- 165.010: Scope
- 165.015: Classification of Halfway Houses
- 165.020: Definitions

Requirements for all Halfway Houses

- 165.100: Compliance Required
- 165.110: Licensure/Approval
- 165.120: Data Collection
- 165.130: Inspection
- 165.140: Organization

Physical Environment

- 165.200: General Requirements -- Physical Plant
- 165.210: Personal Hygiene Equipment
- 165.220: Kitchen and Dining Area
- 165.230: Sleeping Areas -- General Requirements
- 165.240: Sleeping Areas -- Individual Resident Equipment
- 165.250: Housekeeping and Maintenance
- 165.260: Heating and Electric Systems
- 165.270: Fire and Safety Standards

Administration

- 165.300: Governing Body
- 165.310: Disclosure of Ownership
- 165.320: Administrative Staff
- 165.330: Discriminatory Employment Practices Prohibited
- 165.340: Financial Records Required
- 165.350: Annual Audit Required

Personnel

- 165.400: General Staffing Requirements
- 165.410: Employee Records
- 165.420: Food Service Personnel
- 165.430: Restrictions on Employment
- 165.440: Inservice Training
- 165.450: Performance Evaluations
- 165.460: Licensee Responsibility for Staffing Patterns and Qualifications
- 165.470: Administrative Staff Coverage
- 165.480: Food Service Staff Coverage
- 165.490: Use of Residents to Provide Meals

Recovery Program

- 165.500: Admission Procedures
- 165.510: Rehabilitation Program During Residency
- 165.520: Community Therapeutic Resources
- 165.530: Medical and Dental Services
- 165.540: Community Relations
- 165.550: Discharge and Referral
- 165.560: Resident Specific Records
- 165.570: House Rules
- 165.580: Drug Controls
- 165.590: Follow-up Services
- 165.600: Evaluation
- 165.610: Fees

Section: continued

Additional Requirements -- Level A

- 165.700: Level A Defined
- 165.710: Staffing -- Level A
- 165.720: Rehabilitation Program -- Level A
- 165.730: Community Therapeutic Resources -- Level A
- 165.740: Medical and Dental Services -- Level A

Additional Requirements -- Level B

- 165.800: Level B Defined
- 165.810: Staffing -- Level B
- 165.820: Rehabilitation Program -- Level B
- 165.830: Community Therapeutic Resources -- Level B
- 165.840: Medical and Dental Services -- Level B

Licensing and Administrative Procedures

- 165.900: License/Approval Required
- 165.910: Application Procedures
- 165.920: Special Provisions Applicable to Renewal Applications
- 165.930: Procedures for Issuing a License/Approval
- 165.940: Contents of License/Approval
- 165.950: Temporary License
- 165.960: Change of Ownership
- 165.970: Suspension, Revocation or Refusal to Renew a License

165.001: Purpose

105 CMR 165.000 sets forth for the purpose of interpreting and implementing M.G.L. c. 111B, § 6A, governing halfway houses for alcoholics. The intent of 105 CMR 165.000 is to promote the health, comfort, safety and well-being of residents in halfway houses for alcoholics, and to provide them with appropriate rehabilitative services and surroundings that will meet their particular needs.

165.002: Authority

105 CMR 165.000 is adopted under authority of M.G. L. c. 111B, § 6A, c. 111, § 3, and c. 30A, § 2.

165.003: Citation

105 CMR 165.000 shall be known and may be cited as 105 CMR 165.000: *Halfway Houses for Alcoholics*.

165.010: Scope

105 CMR 165.000 establishes requirements and standards for the licensing and approval of halfway houses for alcoholics, and governs the conduct of all licensed and approved halfway houses for alcoholics. Facilities operated by governmental agencies are subject to approval, except facilities operated by the federal government, which are subject to neither licensure nor approval under M.G.L. c. 111B, § 6A.

165.015: Classification of Halfway Houses

In order to assure that residents are placed in facilities designed and staffed to meet their individual physical, psychological, and social needs, the Department has established two levels of care that shall be the basis of classification of halfway houses for alcoholics, as provided in 105 CMR 165.700 and 165.800. Halfway houses for alcoholics may choose to provide two levels of care to promote the appropriate placement of residents at levels of care suited to their needs and to encourage continuity of resident care. All halfway houses shall provide supervised peer group living with basic therapeutic assistance in addition to residential accommodations.

165.020: Definitions

105 CMR 165.020 applies for the purpose of 105 CMR 165.000, unless the context or subject matter clearly requires a different interpretation.

Administrative Staff shall mean those persons responsible for the overall administration and operation of the halfway house. Various titles may be used to designate this staff such as Executive Director, Director, Resident or House Manager, *etc.*

Biennial License shall mean a license issued for a two-year period to a halfway house found on inspection to be in full compliance with 105 CMR 165.000.

Capability of Self-Preservation shall mean in an emergency situation, having sufficient capacity to recognize physical danger, sufficient judgment to recognize when such danger requires immediate egress from a group residence, sufficient capacity to follow a prescribed route of egress, and sufficient physical mobility to accomplish such egress, in accordance with the Executive Office of Human Services' 101 CMR 5.00: *Capability of Self-Preserva-tion*, or the successor regulations that will be promulgated by the Department.

Department shall mean the Department of Public Health of the Commonwealth of Massachusetts.

Group Residence shall mean a premises, licensed or operated by a department or agency of the Commonwealth, for the residential care in any single building of not more than 12 unrelated persons between the ages of seven and 15 inclusive, or of not more than 25 unrelated persons 16 years of age or over who are capable of self-preservation, as certified in accordance with the Executive Office of Human Services' 101 CMR 5.00: *Capability of Self-Preservation*. For the purposes of 105 CMR 165.000, a group residence shall be considered as a single family residence and shall be not considered as a boarding house, lodging house or dormitory.

Halfway House shall mean an intermediate care center in a community which provides temporary residential accommodation, guidance, supervision, and personal adjustment services for a group of three or more sober alcoholics, provided it shall not be deemed a facility as defined in M.G.L. c. 111B, § 3, *e.g.* a detoxification facility, or a permanent residence. Halfway houses shall be licensed as Level A halfway houses or as Level B halfway houses as defined at 105 CMR 165.700 and 165.800.

Nursing Care shall mean services provided by a registered nurse, who is currently registered in accordance with M.G.L. c. 112, § 74, and by a licensed practical nurse, who is currently licensed in accordance with M.G.L. c. 112, § 74A, or by ancillary nursing personnel, *e.g.* nurses' aid or orderlies, under the direction of a registered nurse or a licensed practical nurse.

Operations Staff shall mean all ancillary staff responsible for supportive services, but not directly involved with either the administration of the house or the rehabilitation of the residents. This includes dietary and maintenance staff.

Person shall mean an individual, a company, or an agency or political subdivision of the Commonwealth.

Physician shall mean a medical doctor who is registered to practice medicine in Massachusetts in accordance with M.G.L. c. 112, § 2.

Rehabilitation Staff shall mean those persons responsible for the development and/or implementation of the rehabilitation program including post-release planning and follow-up. Various titles may be used to designate this staff such as Program Director, Coordinator, Senior Counselor, Alcoholism Counselor, Case Aide, *etc.*

165.020: continued

Resident shall mean any individual receiving care in the halfway house.

Responsible Person shall mean an individual 18 years of age or older, of good moral character, with ability to make mature and accurate judgment and with no mental or physical disabilities or personality disturbances that could interfere with adequate performance of duties and responsibilities.

Temporary License shall mean a license issued for not more than 180 days to a halfway house that is found on inspection to be in substantial compliance, and which has demonstrated improvement and evidences potential for achieving full compliance within said period. It shall also mean a license issued for not more than 180 days upon the change of ownership of a halfway house.

Written Notice shall mean a letter sent to the Department by registered mail. The effective date of such written notice shall be the day it is received by the Department.

165.100: Compliance Required

All halfway houses shall conform to the requirements of 105 CMR 165.110 through 165.610. Additional requirements for Level A and Level B facilities care found at 105 CMR 165.700 through 165.840.

165.110: Licensure/Approval

(A) All halfway houses shall be licensed or approved as provided in 105 CMR 165.910. The license shall be either for Level A as described in 105 CMR 165.700 or for Level B as described in 105 CMR 165.800.

(B) Whoever knowingly establishes or maintains a halfway house for alcoholics without a license granted pursuant to M.G.L. c. 111B, § 6A, shall be punished by a fine of not more than \$500.

165.120: Data Collection

Each halfway house for alcoholics shall file with the Department from time to time, such data, statistics, schedules, or information as the Department may reasonably require for the purpose of inspection and/or licensing, and any licensee or other person operating a halfway house for alcoholics who fails to furnish such data, statistics, schedules, or other information as required, or who files fraudulent returns thereof, shall be punished by a fine of not more than \$100. The data, statistics, schedules or information that may be required by the Department shall not violate the confidentiality of individual records as described in 105 CMR 165.560.

165.130: Inspection

Each halfway house for alcoholics shall be subject to visitation and inspection by the Department, and the Department shall inspect each facility prior to granting or renewing a license or approval.

(A) The Department may examine the books and accounts of any facility if it deems such examination is necessary for the purpose of 105 CMR 165.000.

(B) Each halfway house shall be inspected by authorized inspectors of the Massachusetts Department of Public Health, for compliance with the programmatic elements of 105 CMR 165.000.

165.140: Organization

- (A) Halfway houses developed through the efforts of interested citizens organizing as a non-profit corporation shall be organized under M.G.L. c. 180, § 3.
- (B) Halfway houses organizing as a profit-making corporation shall be organized under M.G.L. c. 156B.
- (C) Halfway houses may be an extension of services provided by a state, county, municipal, hospital, or one among a range of services provided by a multi-service agency, and therefore, not required to incorporate.

165.200: General Requirements -- Physical Plant

- (A) Each site proposed for a halfway house shall be subject to approval of the Department.
  - (1) Each halfway house shall be located, designed, constructed and operated so as to afford a safe, sanitary and pleasant environment for residents.
  - (2) Halfway houses shall, wherever practicable, be located in a central urban location, near public transportation, and not too far from areas which provide employment.
  - (3) Each halfway house shall be located, wherever possible, in an area not close to skid row habitats or concentration of bars.
  - (4) In addition to free standing units, halfway houses may be located in appropriate facilities adaptable for halfway house programs, such as a sub-unit of a hospital, nursing home, *etc.* The area to be used for halfway house functions shall be specifically designated as a halfway house. Applicant wishing to locate in a portion of a larger health care facility shall be required to seek permission from the Division of Health Care Standards, in the Department, that the location of the halfway house in that facility does not jeopardize the status of that facility either for purposes of state licensure or federal Medicare or Medicaid certification.
- (B) The halfway house may be rented, leased, or owned as long as it is appropriate in size and structure to serve the full halfway house program.
- (C) Halfway houses shall accommodate no more than 25 in sleeping, dining, and living facilities, and should accommodate no less than ten. (Exceptions may be made upon written approval of the Department for good cause shown).
- (D) The exterior of the halfway house shall, wherever possible, conform with other houses in the area. Evidence to the general public that the house is being maintained as a halfway house shall, whenever possible, not be apparent.
- (E)
  - (1) The interior of each halfway house shall be furnished adequately with a homelike setting.
  - (2) There shall be proper separation in sleeping quarters and bathrooms facilities serving male and female residents.
  - (3) There shall be one or more living rooms or day rooms. The living room area shall not be used as a bedroom for any resident or resident staff.
  - (4) There shall be space available for meetings, T.V. viewing and a quiet area. These areas shall not be used as bedrooms for any resident or resident staff.
  - (5) There shall be room for office space for staff, house records, and telephone. If records are kept in the office they shall be under lock and key, and so placed that only the house staff have access to them.
  - (6) There shall be a separate area set aside for individual counseling.
- (F) All areas and equipment must be kept in good repair and must be maintained in a sanitary manner.

165.200: continued

- (G)(1) There shall be first aid supplies kept in a convenient place ready for minor injuries.
- (2) Each halfway house and surrounding yard or garden shall be free of life and health hazards.
- (3) Care shall be taken to guard residents from injury due to slippery rugs or floors, unguarded stairs, etc.
- (4) Stairways, inclines, ramps, and open porches shall have hand railings and shall be well lighted.
- (5) Night lights shall be maintained in hallways and non-private bathrooms.
- (6) All outdoor and indoor passageways and stairways shall be kept free from obstruction.
- (7) The master key to all rooms which may be locked by residents on the inside shall be kept where it is available to the manager and assistants in an emergency.

165.210: Personal Hygiene Equipment

- (A) Adequate toilets, handwashing sinks, baths and showers shall be provided on floors where residents' rooms are located.
- (B) A shower or tub shall be provided in a ratio of at least one per ten residents. Separate showers or tub baths for males and females are required, only if they are located in the same room with toilets. (Exceptions may be made upon written approval of the Department.)
- (C) Toilet, handwashing and bathing equipment and areas must be kept in good repair, and the floor area surrounding the toilet must be maintained in a sanitary manner and in good repair.
- (D) Toilets, bath or shower compartments shall be separate from all rooms by solid walls or partitions. Adequate provision to insure resident privacy shall be made.
- (E) Hot water supplied to fixtures accessible to residents shall be controlled to provide a maximum temperature of 110°F.
- (F) Space shall be provided for washing, ironing, and mending of residents' personal clothing.

165.220: Kitchen and Dining Area

- (A) The kitchen shall be located in a suitable area of the facility. There shall be adequate work space for the sanitary preparation and serving of meals for residents and staff.
- (B) Adequate sanitary storage space and cabinets shall be provided for the proper storage of all foods, dishes, silverware, and cooking equipment, and maintained in a sanitary manner and in good repair.
- (C) Adequate space must be provided for the sanitary washing of dishes and cooking utensils.
- (D) Adequate sanitary disposal of garbage must be provided.
- (E) The kitchen shall meet local health standards with certification by the community where required.
- (F) The dining room shall be large enough to accommodate all residents, but not necessarily simultaneously. Any area which is designated as the dining area shall not be used as a bedroom by any resident or resident staff.

165.230: Sleeping Area -- General Requirements

- (A) All sleeping areas must be decorated in a pleasant way with such items as draperies, bedspreads and slipcovers made of easily laundered material, and kept clean and in good condition.
- (B) All sleeping areas must have adequate lighting, heating and ventilation so that residents are comfortable in all seasons of the year.
- (C) Each resident's room shall have direct outside exposure with adequate, unobstructed natural light and adequate ventilation.
- (D) Adequate heating shall be provided in sleeping areas in accordance with the minimum temperatures set forth in 105 CMR 410.000: *Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation*.
- (E) All sleeping areas must be large enough for placement of needed furniture and to allow for easy passage between beds and other items of furniture. Sleeping areas shall have a minimum of 50 square feet of superficial floor area per resident.
- (F) Furniture shall not be placed as to block any means of egress in sleeping areas.
- (G) Halfway house care shall not accommodate more than six residents per sleeping area. Exceptions will be allowed for facilities upon written approval of the Department.
- (H) No unfinished attic, stairway, hall, or room commonly used for other purposes shall be used as a sleeping room for any resident.

165.240: Sleeping Areas -- Individual Resident Equipment

Each resident shall be provided with the following basic equipment and supplies:

- (A) A comfortable bed, of household size. Cots and folding beds are prohibited unless used for emergency boarding purposes.
- (B) Bed springs and a clean, comfortable mattress with waterproof covering on all beds. Each mattress shall be at least four inches thick, 36 inches wide, and not less than 72 inches long.
- (C) An adequate supply of clean, ironed or drip dry bed linen, blankets, bedspreads, washcloths, and towels of good quality and in good condition. This shall mean a supply of linen equal to at least three times the usual occupancy. Linen, towels and washcloths shall be changed and laundered at least every week.
- (D) A bedside cabinet or table dresser, drawer space, and adequate closet space.

165.250: Housekeeping and Maintenance

- (A) All facilities shall provide sufficient housekeeping and maintenance personnel to maintain the interior of the facility in good repair and in safe, clean, orderly, attractive, and sanitary manner free from all accumulation of dirt, rubbish, and objectionable odors.
- (B) Halfway houses may require residents to perform heavy household maintenance duties as well as require them to be responsible for the condition of their own sleeping areas.
- (C) Housekeeping and maintenance equipment shall be kept clean, in good condition, and maintained in a sanitary manner.
- (D) Floors, walls and ceilings shall be cleaned regularly; halls and ceilings shall be maintained free from cracks and falling plaster.

165.250: continued

- (E) Storage areas, attics and cellars shall be kept safe and free from accumulations of extraneous materials such as refuse, furniture and old newspapers or other paper goods. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.
- (F) The grounds shall be kept free of refuse and litter, and areas around buildings, sidewalks, gardens and patios kept clear of dense undergrowth, snow and ice.
- (G) Window and doors shall be properly screened during the insect breeding season.
- (H) All windows, including combination windows, shall be washed inside and outside at least twice a year.
- (I) All pets shall be adequately fed, sheltered and maintained in a sanitary manner.

165.260: Heating and Electric Systems

- (A) The heating system shall be in conformity with the rules and regulations as outlined by the Department of Public Safety under M.G.L. c. 148, as amended.
- (B) Every facility shall be equipped with a heating system that is sufficient to maintain a minimum temperature of 70°F throughout the facility at all times at winter temperatures. Portable room heaters, such as space heaters, plus electric heaters or heaters using kerosene, gas, or other open-flame method are prohibited.
- (C) Adequate electric lighting maintained in good repair shall be provided throughout the facility in accordance with the provisions of the M.G.L. c. 111, § 72C, as amended, and the recommended levels of Illuminations Engineering Society. All electrical installations shall be in accordance with the Department of Public Safety (520 CMR), Board of Fire Prevention Regulations (527 CMR), Massachusetts Electrical Code, (527 CMR 12.00) and all local regulations.
- (D) An emergency source of lighting shall be available in all corridors that lead to the principal means of egress.
- (E) Outside walks, parking lots, and entrances shall be adequately lighted.

165.270: Fire and Safety Standards

- (A) Each halfway house with accommodations for 25 or fewer residents shall comply with all of the provisions for fire and safety standards of the Massachusetts Group Residency Occupancy Code as adopted by the Massachusetts Uniform Building Code Commission (*see* 780 CMR 424.0). (Copies are available at the Division of Alcoholism).
- (B) Halfway houses not meeting the requirements of a group residence as defined by the Massachusetts Uniform Building Code Commission shall be required to meet the Lodging House Building Code of the Municipality in which the halfway house is located. If a local building code does not exist, the State Building Code shall be used (*see* 780 CMR 424.0).
- (C) Each halfway house shall be inspected by the authorized inspectors of the authorized agency for fire and safety standards applicable to the size of the halfway house.

165.300: Governing Body

- (A) The halfway house operated by a non-profit corporation shall have a Board of Directors or other form of governing body elected to establish, maintain, and operate the halfway house and shall be the official licensee. This Board/Licensee shall be composed of not less than five individuals from a variety of occupations and professions, at least two of whom shall be recovered alcoholics.



165.300: continued

(B) The Board/Licensee shall adopt by-laws which spell out the constituency of the board, the manner by which officers shall be elected, terms of office, responsibilities of each office, frequency, time, date and place of meetings.

(C) The Board/Licensee shall be responsible for the hiring of the halfway house staff; for the development of program policies for the quality and scope of the program, and personnel policies for the conduct of the staff, for all financial transactions, and for the operation of the halfway house as a whole.

(D) The halfway house sponsored as part of a larger public institution, shall have a governing body charged with the same responsibilities as those described for the non-profit organization under 105 CMR 165.300(A).

(E) The Board of Directors, professional committee, or other governing body carrying administrative, financial and/or professional responsibility shall provide in writing the policies and practices of the halfway house.

(F) The Board/Licensee shall be legally responsible for the overall conduct of the facility and shall be responsible for compliance with applicable laws and regulations.

165.310: Disclosure of Ownership

The ownership of the halfway house and of any applicant or licensee shall be fully disclosed to the Department, including the names and addresses of all owners.

165.320: Administrative Staff

(A) The Board/Licensee shall indicate one individual to be the principal executive to fix responsibility for the implementation of policies in the halfway house.

(B) The names and telephone numbers of the administrative staff shall be posted and available to the individual in charge at all times.

(C) The Administrative staff shall be responsible to the Board/Licensee and shall operate the halfway house to insure that services required by residents are available on a regular basis and provided in an appropriate environment in accordance with established policies.

(D) The Board/Licensee shall be responsible for procurement of competent personnel, and the Licensee and the Administrative staff shall be jointly responsible for the direction of such personnel and for establishing and maintaining current written personnel policies and personnel practices and procedures that encourage good resident care.

165.330: Discriminatory Employment Practices Prohibited

The Board/Licensee or designee shall not engage in any discriminatory employment practices in connection with this agreement based on race, color, religion, national origin, ancestry, age or sex.

165.340: Financial Records Required

(A) The Board/Licensee or designee shall maintain adequate financial records in accordance with acceptable general accounting procedures.

(B) All financial records shall indicate all sources and amounts of income as well as expenses.

165.350: Annual Audit Required

There shall be an independent annual audit in addition to that performed by the responsible governing body. It shall be the responsibility of the halfway house to provide the annual audit.

165.400: General Staffing Requirements

(A) At all times the facility shall provide a sufficient number of trained, experienced, and competent personnel to provide appropriate care and supervision for all residents to insure that their personal needs are met.

(B) Administrative coverage as described in 105 CMR 164.470; rehabilitation staff coverage as described in 105 CMR 165.710 or 165.810 as appropriate, and other operations staff as needed to carry out the program as described in 105 CMR 165.490.

(C) Personnel shall be currently licensed, registered or certified where applicable laws require licensure, registration and certification.

165.410: Employee Records

(A) Completed and signed application forms and employee records shall be maintained. They shall be accurate, current and available on the premises.

(B) Employee records shall contain adequate information as to identification, educational institutions attended, all professional experience, on-the-job training, and previous employment, and evidence of adequate health supervision, including chest x-ray or an intradermal skin test for tuberculosis.

165.420: Food Service Personnel

Food personnel shall have routine health examinations in conformance with state and local sanitary codes, including 105 CMR 595.000. Food handlers' permits, where required, shall be current.

165.430: Restrictions on Employment

(A) No individual shall be employed, or employees permitted to work, if infected with a contagious disease in a communicable form that might endanger the health of residents or other staff members.

(B) No individual who is addicted to and actively dependent upon alcohol, narcotics, stimulants, hallucinogenic drugs, or other such drugs, shall be employed or permitted to work in the halfway house.

(C) (1) If staff members are recovered alcoholics employed in an administrative capacity, they shall have at least two years of continuous sobriety.  
(2) If staff members are recovered alcoholics employed as a member of the rehabilitation staff providing independent counseling, they shall have at least a minimum of two years of continuous sobriety.  
(3) If staff members are recovered alcoholics employed as a member of the rehabilitation staff and have less than two years of continuous sobriety, they must be receiving supervision from other staff members with at least two years of continuous sobriety.

165.440: Inservice Training

Inservice training shall be conducted by the halfway house for all staff to qualify them and keep them abreast of current procedures and practices in meeting all aspects of admission, treatment care, and referral of residents.

165.450: Performance Evaluations

Performance evaluations shall be made on all levels of staff to assure that the appropriate level of care is being met. These evaluations will be conducted semi-annually and placed in the staff member's personnel record.

165.460: Licensee Responsibility for Staffing Patterns and Qualifications

(A) A variety of house staff patterns is acceptable. The staff is responsible for the smooth functioning of all in-house matters. The selection of the staff should be carefully made as all staff are involved in the rehabilitation of the residents.

(B) The Department may not establish educational nor professional requirements for the staff of any halfway house for alcoholics; however, each licensee shall establish their own requirements which shall be commensurate with the responsibilities assigned to that person.

(C) There shall be written job descriptions including qualifications as well as duties for each position on the staff.

165.470: Administrative Staff Coverage

(A) The minimum administrative staff of any halfway house shall consist of a resident or non-resident house manager or executive director or person of similar title who carries full responsibility for the administration and/or operation of the halfway house on a full-time basis.

(B) All halfway houses shall have a full-time administrative staff member or his designee on duty on the premises or residing at the house and available for emergencies 24 hours a day, seven days a week.

165.480: Food Service Staff Coverage

Halfway houses shall employ a full-time or part-time cook to supervise in food preparation. The halfway house shall provide three nutritionally well-balanced meals to residents who are not working and at least two nutritionally well-balanced meals to working residents. Exceptions will be allowed for facilities upon written approval of the Department.

165.490: Use of Residents to Provide Meals

Halfway houses may assign residents of the house to provide meals as part of their household duties in the early stages of their arrival under the supervision of an administrative staff member.

165.500: Admission Procedures

(A) Written admission policies shall be formulated by the governing body with the assistance of the staff of the house. Admission policies shall take into consideration such factors as the medical and psychological condition of the residents before they enter the program, whether to serve men only, women only, or both, minimum and maximum age, sources of referral, and the geographic area to be served.

(B) Halfway houses shall admit and provide services for only those individuals for whom they can provide the appropriate level of care.

(C) The following persons shall not be considered as appropriate candidates for admission to a halfway house:

(1) Persons who are intoxicated.

(2) Persons with active communicable tuberculosis or any other contagious or infectious disease.

165.500: continued

- (3) Persons who, because of convalescence or chronic health conditions, require continuous professional nursing care.
- (4) Persons who are not capable of self-preservation, as defined in 105 CMR 165.023.
- (5) Persons requiring any kind of restraint or confinement in locked quarters.
- (6) Persons who require treatment or special care for mental illness or retardation or require special treatment, rehabilitation or care for a major physical disability.
- (7) Persons needing help with dressing, bathing, shaving, hair care, or other personal type of care.
- (8) Persons whose needs and interests are incompatible with the welfare of other residents.

(D) Screening for admission according to the policies of the house shall be done by the staff of the house.

(E) If any person is not admitted for the reason that adequate and appropriate services are not available at the halfway house, an administrative staff member, or his designee shall refer the person to a facility at which adequate and appropriate services are available.

(F) Any restrictions, priorities or special admission criteria used during initial screening shall be applied equally to all potential admissions regardless of source of referral, source of payment, race, creed, or ethnic origin.

- (1) Where adequate and appropriate services are not available for residents, the individual shall be referred to an appropriate facility.
- (2) All halfway houses shall comply with State and Federal anti-discrimination laws.

165.510: Rehabilitation Program During Residency

(A) All halfway houses should require residents as part of their rehabilitation program to seek employment outside of the halfway house no later than four weeks after admission; after finding employment, they shall pay the weekly fees specified by the house policies.

(B) Each halfway house shall make available information on the availability of other modalities of care, treatment, and help outside the halfway house. These modalities shall include, but not be limited to, outpatient alcoholism programs, counseling services for emotional or physical problems, vocational re-training, self-help groups, etc. The residents shall be encouraged to utilize these services.

165.520: Community Therapeutic Resources

(A) The halfway house shall regard itself as part of the continuum of care provided in the community. All community resources shall be utilized to enhance their own in-house services. The range of the program shall be wide enough to meet the needs of the residents.

165.530: Medical and Dental Services

(A) All residents prior to admission who have not had a chest x-ray or an intradermal skin test for tuberculosis within one year shall be required to do so.

(B) All residents who have not had a physical examination within one year prior to admission shall be required to receive one within one month following admission.

(C) All residents receiving medications shall be under the care of a physician.

(D) All medical services received by the residents shall be documented in their records.

165.540: Community Relations

(A) Efforts shall be made toward maximum utilization of community resources with emphasis on the progression of residents from the halfway house to normal community living.

165.540: continued

- (B) The halfway house shall survey the community to compile a resource file of all agencies and other facilities that have some potential for use for or by the residents. Relevant information such as eligibility factors, fees, and the persons to be contacted should be recorded.
- (C) The halfway house shall visit these resources and negotiate working arrangements with those agencies whose services are likely to be used with reasonable frequency.
- (D) The halfway house staff shall participate in relevant community conferences, meetings, and related events so that the halfway house becomes an integral part of the local community.

165.550: Discharge and Referral

- (A) Discharge policies shall be formulated by the governing board, the executive director, house or resident manager, and whatever house staff is involved in resident planning.
- (B) The staff shall develop an appropriate written referral plan for the resident deemed necessary to effect total and complete recovery and rehabilitation of the resident.
- (C) The staff shall actively assist residents to make contact with any and all agencies or institutions suitable for follow-up care upon discharge from the halfway house. Unlimited dependency on the halfway house shall be discouraged from the start.

165.560: Resident Specific Records

- (A) Each halfway house shall maintain an individual intake sheet and record covering every resident. These records shall contain at least the following information:
  - (1) All essential identifying data relevant to the resident and his immediate family, including name, address, birthdate, height, weight, marital status, occupation, social security number, and income status.
  - (2) Data relating to the resident's admission, including source of referral.
  - (3) Copies of any medical prescriptions issued by physicians including orders, if any, for medications to be taken while in residence at the halfway house.
  - (4) Report of periodic re-evaluation by house staff.
  - (5) Final summaries on all those residents who leave the program regardless of whether or not they leave by mutual agreement. This should include reason for leaving, in addition to resident's future plans.
- (B) All records shall be considered confidential. They shall be kept under lock and key and placed so that the residents do not have access to them. The halfway house shall not use or release any names, reports, data, or other individually identifiable confidential information involving applicants or residents without the prior written approval of the applicant or resident.

165.570: House Rules

- (A) A halfway house shall have freedom from restrictions with a minimum number of rules and regulations to which the residents must adhere as self-responsibility is advocated.
- (B) House rules shall be formulated jointly by the governing board, the executive director, house or resident manager, and whatever house staff is involved in resident planning.
- (C) These house rules shall be in writing and each resident shall be informed of these during an initial orientation period, and must agree to abide by them with the understanding that infractions may constitute the basis for discharge.

165.580: Drug Controls

- (A) Halfway houses shall not permit any alcohol in the house and anyone who is drinking must leave the halfway house until sober.

165.580: continued

(B) Halfway houses shall not permit any mind-altering nor mood-changing drugs or medications in the house unless prescribed by a licensed physician for a resident. This shall include over-the-counter, patent medicines for sleeping, coughing, tranquilizing, *etc.*

(1) Drugs or medications prescribed by a physician for any resident shall be kept separately in a locked cabinet by the house staff and shall be made available to the resident according to the instruction of the prescribing physician.

(2) Prescribed drugs or medications may accumulate due to the early discharge or voluntary premature departure of some residents. These medications shall be destroyed or returned to the prescribing physician within two weeks of the departure of the resident.

(3) Prescribed drugs or medications which may accumulate shall not be used to treat the same resident should he be readmitted to the halfway house within the two week period without the knowledge and expressed consent of the prescribing physician.

165.590: Follow-up Services

Halfway houses shall include in their program provisions for follow-up services. If this program is not developed at the house itself, a follow-up program using other agencies or volunteers may be used to call or visit the ex-resident at specified intervals. Written records of patient follow-up activities will be maintained.

165.600: Evaluation

(A) Halfway houses shall demonstrate a method easily implemented for the evaluation of the services of the house in order to learn how effective the program is in achieving its stated goals and what changes, additions, deletions, or modifications, are necessary to improve the quality and scope of the house program.

(B) This evaluation may be accomplished through a variety of approaches including, but not limited to:

- (1) Self-administered questionnaires
- (2) Employment of outside experts to evaluate the services of the house
- (3) Utilization of any other valid method of evaluation
- (4) Data extrapolated from periodic reviews and other information in patient records

165.610: Fees

Halfway houses shall maintain a fee schedule which is available to all residents upon admission. This fee schedule shall be filed with the Department semi-annually.

165.700: Level A Defined

Level A shall mean a halfway house that provides intensive and multi-modal counseling and an array of other services required for rehabilitation. The halfway house shall have formal affiliation agreements with other agencies in the community that provide rehabilitation services that cannot be provided for by the halfway house staff.

165.710: Staffing -- Level A

In addition to the requirements set forth in 105 CMR 165.000, Level A halfway houses shall make available four hours of rehabilitation staff time per each resident per week.

(A) The rehabilitation staff time shall be provided in direct services at the halfway house by the halfway house staff.

(B) Time spent with residents for administrative purposes shall not be considered as rehabilitation time.

165.720: Rehabilitation Program -- Level A

(A) In addition to other requirements set forth in 105 CMR 165.000, Level A halfway houses shall provide seven rehabilitation services.

(B) They shall provide the following four rehabilitation services:

- (1) Individual Counseling
- (2) Advocacy/Ombudsman Services
- (3) Job Placement Assistance
- (4) Recreational Services and any three of the following rehabilitation services:
- (5) Group Counseling
- (6) Education and Information
- (7) Pastoral Counseling
- (8) Professional social work, psychological or psychiatric treatment
- (9) Vocational Counseling
- (10) Legal Aid and Legal Counseling
- (11) Didactic Seminars on Alcohol and Alcoholism
- (12) General Educational Counseling

165.730: Community Therapeutic Resources -- Level A

In addition to other requirements set forth in 105 CMR 165.000, Level A halfway houses shall have formal written agreements with at least one outside agency providing professional counseling services such as an alcoholism clinic, mental health center, or family services to provide whatever therapeutic services may be required by residents, but not provided at the halfway house. This may include, but not be limited to psychiatric services, individual psychotherapy or counseling, group therapy, or counseling, family or couples therapy.

165.740: Medical and Dental Services -- Level A

In addition to other requirements set forth in 105 CMR 165.000, Level A halfway houses shall have the following:

(A) A formal written arrangement with one or more physicians, a general hospital, or other appropriate resources to provide medical services required by the residents.

(B) A formal written arrangement with appropriate agencies to provide both dental and eye care treatment required by the residents.

165.800: Level B Defined

Level B shall mean a halfway house that provides basic counseling services as well as other services required for rehabilitation. The halfway house shall provide assistance to the residents in reaching other agencies in the community that provide rehabilitation services that cannot be provided for by the halfway house staff.

165.810: Staffing -- Level B

In addition to the requirements set forth in 105 CMR 165.000, Level B halfway houses shall make available two hours of rehabilitation staff time per each resident per week.

(A) The rehabilitation staff time shall be provided in direct services at the halfway house by the halfway house staff.

(B) Time spent with residents for administrative purposes shall not be considered as rehabilitation time.

165.820: Rehabilitation Program -- Level B

In addition to other requirements set forth in 105 CMR 165.000, Level B halfway houses shall provide the following four rehabilitation services:

- (1) Individual Counseling
- (2) Advocacy/Ombudsman Services
- (3) Job Placement Assistance
- (4) Recreational Services

165.830: Community Therapeutic Resources -- Level B

In addition to the requirements set forth in 105 CMR 165.000, Level B halfway houses shall be responsible for providing assistance to the residents in reaching those rehabilitation services listed in 105 CMR 165.730.

165.840: Medical and Dental Services -- Level B

In addition to the requirements set forth in 105 CMR 165.000, Level B halfway houses shall be responsible for providing assistance in obtaining all the medical services, dental services, and eye care treatment that the residents require.

165.900: License/Approval Required

Any person who proposes to establish or operate a halfway house shall obtain either a license or approval from the Department. The procedure for obtaining a license or approval is set forth in 105 CMR 165.910.

(A) Applicant for a License. Any person not covered by 105 CMR 165.900(B) or 165.900(C) who intends to establish or operate a halfway house, shall apply for a license.

(B) Applicant for Approval. Any department, agency or institution of the Commonwealth or any political subdivision thereof, which intends to establish or operate a halfway house, shall apply to the Department for approval.

(C) Exempt from Licensing Requirements. Any department, agency, or institution of the federal government is exempt from the licensing requirements of 105 CMR 165.000.

165.910: Application Procedures

Applicants for a license or approval to operate a halfway house for alcoholics shall submit to the Department an approved application form and the following supportive documents which shall be considered part of the application: a determination of need for the halfway house (except as provided under 105 CMR 165.920), detailed program description, proof of compliance with the required fire, safety and health standards, proof of compliance with M.G.L. c. 180 or c. 156B, and the license fee. Application forms may be obtained by writing to: The Commonwealth of Massachusetts, Department of Public Health, Division of Alcoholism, 755 Boylston Street, Boston, Massachusetts 02116. The application shall be notarized.

(A) Approved Application Form. The approved application form shall be completed in full. It shall contain such information as the director of the Division of Alcoholism deems appropriate, including, but not limited to the following:

- (1) the name of the halfway house
- (2) the street address and city of the halfway house
- (3) the telephone number of the halfway house
- (4) the name and address of the person to whom the license is to be granted
- (5) the date of birth of the person to whom the license is to be granted
- (6) the type of license requested
- (7) the number of resident beds in the halfway house
- (8) the type of organization
- (9) the names and addresses of the members of the Board



165.910: continued

(B) Determination of Need. Need for a halfway house shall be determined pursuant to the Department's Regulations Governing Determination of Need. Copies of 105 CMR 165.000 and appropriate application forms may be obtained from the Program Director, Division of Health Facilities Development, 80 Boylston Street, Boston, Massachusetts 02116.

(C) Detailed Program Description. A detailed description of the program in the halfway house shall be supplied by the applicant. This shall include, but not be limited to, a description in detail of:

- (1) admission procedure
- (2) those services in 105 CMR 165.510: *Rehabilitation Program During Residency* appropriate to the type of license/approval requested
- (3) utilization of other community resources
- (4) discharge policies
- (5) follow-up program
- (6) annual budget and demonstration of fiscal responsibility
- (7) compliance with required staff/resident ratios

(D) Proof of Compliance with the Required Fire, Safety, and Health Standards. The applicant shall submit proof of compliance with the legal requirements for fire, safety and health standards, as required by an applicable statute or ordinance, and as provided in 105 CMR 165.270. For those halfway houses that are group residences, as defined in 105 CMR 165.025, a certificate of occupancy issued by the authorized agency for fire and safety standards, as defined in the Massachusetts Group Residency Occupancy Code, 780 CMR 424.0, is a prerequisite for a license.

(E) Proof of Compliance with M.G.L. c. 180 or c. 156B. The applicant shall submit proof of compliance with M.G.L. c. 180, § 3 or c. 156B.

(F) License Fee. The license fee in the amount of \$10.00 shall be submitted with the application. Checks shall be made payable to "The Commonwealth of Massachusetts". Checks shall be nonrefundable.

165.920: Special Provisions Applicable to Renewal Applications

(A) A license/approval expires two years from the date it is issued. Halfway houses applying for a renewal of their license/approval to operate shall submit an approved application form and the supportive documents as required for an initial license.

(B) A determination of need shall not be required for license/approval renewal.

(C) If timely application for renewal is made, the existing license shall not expire until a final determination is made by the Department. The license fee shall be submitted with the renewal application.

165.930: Procedures for Issuing a License/Approval

The applicant shall file the approved application form and the required supportive documents with the Department and shall pay the fee. The Department shall review the application within 30 days after receipt of the application to make certain the information conforms with the licensing requirements.

(A) Procedures When Application Is in Conformance. If the application is in conformance with the licensing requirements, the Department shall:

- (1) Make a finding in writing that the information is correct.
- (2) Conduct a site visit and inspection of the halfway house.
- (3) Make a finding in writing that the halfway house is in compliance with 105 CMR 165.000.
- (4) Make a decision regarding the issuance of the appropriate license/approval within 60 days of the site visit and inspection.

165.930: continued

(B) Procedures When Application Is Not in Conformance.

- (1) If the application is not in conformance with the licensing requirements, it may be rejected by the Department with a written notice to the applicant explaining the reason(s) for the rejection. The license fee shall be returned to the applicant.
- (2) The Department shall not hold a formal hearing when rejecting a license/approval application. However, the applicant may request a meeting with the Director of the Division of Alcoholism, or his designee, for purposes of reviewing the application. Such request shall be made in writing.
- (3) The application may be resubmitted at any time after the reasons(s) for the rejection have been rectified.

165.940: Contents of License/Approval

The license or approval to operate a halfway house for alcoholics shall contain:

- (1) the name and address of the halfway house
- (2) the name and address of the person to whom the license is granted
- (3) the expiration date of the license/approval
- (4) the type of license/approval, *e.g.*, Level A or Level B
- (5) the maximum number of residents the halfway house can accommodate.

165.950: Temporary Licenses

(A) The Department may issue a temporary license if the applicant is in substantial compliance with the licensing regulations and evidences a good faith intention to effect full compliance. The Department shall issue a temporary license only when a written plan for full compliance is provided.

(B) A temporary license shall be valid for not more than 180 days from the date of issue and shall not be renewable.

165.960: Change of Ownership

(A) The Department shall be notified in writing of any change of ownership of a halfway house. This notification shall be submitted to the Department at least 21 days prior to any actual change of ownership.

(B) The written notification of the proposed change of ownership shall serve in lieu of a temporary license until a determination is made by the Department that the new owner will comply with 105 CMR 165.000.

(C) Not later than 30 days after the change of ownership has been effected, the new owner shall submit the application form and supportive documents as required in the initial license application process.

165.970: Suspension, Revocation or Refusal to Renew a License

(A) The Department may suspend or revoke any license or approval for any failure to comply with 105 CMR 165.000.

(B) The Department may refuse to renew any license or approval for any failure to comply with the requirements of 105 CMR 165.000.

(C) Such action may not be taken without holding an adjudication hearing in accordance with M.G.L. c. 30A and 105 CMR 1.000: *Rules and Procedure*.

REGULATORY AUTHORITY

105 CMR 165.000: M.G.L. c. 111B, § 6A; c. 111, § 3.